

# Conserving Wisconsin's Landscape: DNR Land Acquisition Program

The State of Wisconsin has a variety of outstanding natural resources, such as rushing trout streams, quiet wetlands, pristine wild rivers, clear lakes, native prairies, vast green forests, Ice Age eskers, and picturesque waterfalls. Wisconsin's increasing population, together with out-of-state visitors, is placing increased pressure and demands on these resources. Each year, thousands of people boat, camp, fish, hunt, hike, bike, ski, canoe, sight-see, study nature, and pursue other outdoor activities. Our public lands are places where we can get away from daily routines and enjoy the natural beauty Wisconsin has to offer. Over the years, Wisconsin citizens have recognized the need to protect Wisconsin's natural resources and have provided the Department of Natural Resources with the ability and funding to purchase land. The DNR's first purchase was made in 1876, and, since then, the Department's land acquisition program has become an important tool to protect natural resources and provide outdoor recreational opportunities for the public. This brochure explains the Department of Natural Resources land acquisition program and how it affects you as a Wisconsin citizen and landowner.

## What does the term "land acquisition" refer to?

The term "land acquisition" refers to acquisition of fee title ownership, easements, and leases of property. To better define these tools, think of property ownership as a bundle of rights—the right to use the property for particular purposes, such as developing it, protecting its natural features, or hunting and fishing on the land. Also included is the right to sell it, lease it, gift it, or choose to exercise all or none of these options.

### Fee Title Acquisition

Fee title acquisition is the outright purchase of land, including the complete transfer of title to the property and all the rights associated with ownership as defined above.

### Easements

An easement is a way to convey some of the land rights associated with ownership of property to another party. It is a voluntary legal agreement between a landowner and a government agency, local unit of government,

or qualified nonprofit organization that conveys specific rights and permanently limits specified current and future uses.

The Department buys rights to further the goals of a specific program. For example, the Department might purchase access rights to a stream so that the general public could fish there. The Department may also purchase the right to control growing crops or pasturing cows along a stream bank to improve the water quality of the stream. In another instance, the Department might buy the right to prohibit filling or draining the property in order to restore a wetland for wildlife habitat.

The Department also purchases conservation easements as defined in Section 700.40 of the Wisconsin Statutes. Conservation easements enforce restrictions to protect natural resources or water quality. As an example the Department could buy a conservation easement in the Baraboo Hills Recreation area to protect natural resources and recreational or open space use.

Contact the Bureau of Facilities and Lands at (608) 266-0823 to learn more about easements. Request a copy of publication number DNR PUB-WT-549 2002, *Conservation Easements: A landowner's guide to easements purchased through Wisconsin's Runoff Management and Stewardship Stream Bank Protection Programs*.

### Why does the Department of Natural Resources purchase land?

The Department purchases land to manage and protect natural resources and to provide recreational opportunities to all the people of the state. Through the land acquisition program, wetlands, forests, scenic areas, prairies, savannas, wildlife and fish habitat, rare species habitat, glacial features, and other resources are being protected and managed.

### Where does the Department buy land?

The Department buys lands within the boundaries of established projects that are managed for various purposes, such as fisheries, wildlife, and recreation.

The Department purchases land within:

- **Fishery and Stream Bank Protection areas** along streams, rivers, and lakes to protect water quality by reducing erosion and run-off, and to improve habitat and fishing opportunities.
- **Wildlife Management and Habitat Restoration Project areas** to provide habitat for wildlife such as waterfowl, grouse, turkey, and grassland songbirds. These areas also provide places for the public to enjoy watching wildlife, hunting, and other types of recreation.
- **Forestry Project areas** to protect forested lands that provide forest products, protect watersheds, and provide outdoor recreational opportunities such as hiking and cross-country skiing. Many of the Department's larger project areas are state forests such as the Northern Highland-American Legion State Forest, Black River State Forest, and Kettle Moraine State Forests.
- **State Parks, State Trails, and Recreation Project areas** to protect lands that have scenic, recreational, historical, archaeological, geological, and natural value. These areas provide facilities and programs for the public to enjoy. In addition, the Department purchases linear tracts of land, such as abandoned railroad rights-of-way, to provide trail-based recreation. Parks, trails, and recreation areas provide opportunities for hiking, biking, camping, swimming, picnicking, and boating.
- **Wild River Projects and the Lower Wisconsin State Riverway Project** to protect the wild and scenic nature of Wisconsin waterways. Specifically, the Department purchases land along the Pine, Pike, and Popple Wild Rivers, and the Lower Wisconsin State Riverway to protect their unique natural qualities. The Department provides facilities to make them accessible for compatible recreational use such as canoeing and fishing.
- **Natural Area Project areas** to preserve natural communities such as prairies, savannas and forests, and land harboring rare species. Some areas have trails and offer other compatible recreational opportunities. To learn more about these areas, order *Wisconsin, naturally: A guide to 150 great State Natural Areas*.

This is available from the DNR Bureau of Endangered Resources. Call (608) 266-7012 if you are interested in ordering this guidebook, or go to <http://www.dnr.state.wi.us/org/land/er/forms/snaguide.htm>

- **Other project categories** include:  
Statewide Habitat Areas  
Public Access Areas  
Fish Hatcheries  
Priority Watershed Project Areas

### **Does the Department of Natural Resources pay property taxes on the land it owns?**

The Department makes an annual payment in lieu of real estate taxes to replace property taxes that would have been paid if the property had remained in private ownership. The payment is made to the local taxing authority where the property is located.

For a more detailed explanation of how the Department pays property taxes, contact the Bureau of Facilities and Lands at (606) 266-0823, and request a copy of PUB-LF-001—Public Land and Property Taxes

### **How is Department of Natural Resources land acquisition funded?**

Funding for the Department's land acquisition programs comes from multiple sources. These include:

**The Stewardship 2000 Program.** This program was created for the purpose of acquiring land to protect Wisconsin's natural resources and expand recreational opportunities throughout the state.

**Pittman-Robertson Federal Act** is a federal excise tax on hunting equipment. The tax provides funding to states for the restoration and improvement of wildlife habitat. Federal

funds are allocated each year based on the total revenue generated by the State of Wisconsin through the purchases of hunting equipment. Congress approved the act in 1937.

**Dingell-Johnson Act** (now referred to as the Sport Fish Restoration Act) is a federal excise tax on fishing equipment, motors, yachts, and pleasure craft. The tax provides funding to states for fish restoration and management projects. Federal funds are allocated each year based on the total revenue generated by the State of Wisconsin.

### **Federal Land and Water Conservation Fund.**

This program was established to create parks and open spaces, protect wilderness, wetlands, and refuges, preserve wildlife habitat, and enhance recreational opportunities. Funds are divided among the states using a formula based primarily on population.

**Forest Legacy Program.** The goal of this program is to identify and protect important forest areas and aid in conservation through the purchase of conservation easements. The Federal Secretary of Agriculture is authorized to make a grant to the state to carry out the Forest Legacy Program in Wisconsin, including the acquisition of land.

**The North American Wetlands Conservation Act Grants Program.** This provides matching grants to private or public organizations or to individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico. The Act was passed, in part, to support activities under the North American Waterfowl Management Plan, an international agreement that provides a strategy for the long-term protection of wetlands and associated uplands needed by waterfowl and other migratory birds in North America.

**The Farmland Protection Program.** This program keeps productive farmland in privately owned agricultural use by assisting States, Tribes, and local government or non-profit entities in the purchase of conservation easements or development rights on prime, unique, or other productive farmland, or on farms containing significant historical or archaeological resources.

### How does the Department of Natural Resources purchase land?

**Establishing priorities.** The Department continually collects and analyzes data on the status of natural resources and recreational needs and adjusts programs and projects appropriately. Establishing priorities within existing projects depends on a variety of factors but acquisition is always based on the willingness of the landowner to sell his or her land to the Department.

**Contacting the Landowner.** The Department buys from willing sellers only. In some cases, Department employees contact a landowner to explain the project and ask about his or her interest in selling. In other cases, a landowner contacts the Department and offers his or her land for sale or donation.

If a landowner is interested in selling his or her property, the Department orders an appraisal of the land to determine its fair market value. *Unlike other buyers, the Department is required by state and federal laws to offer "just compensation," which is the estimated fair market value based on an appraisal.* This is to ensure that the state is fair to all landowners while, at the same time, using public funds wisely. Fair market value is defined as the most probable price that a property is estimated to bring if placed for

sale on the open market for a reasonable period of time.

A Department staff appraiser or a private appraiser evaluates the property. Upon ordering an appraisal, it will take approximately 90 days for the appraiser to have an estimated value of the property. Please note that *the Department will not accept an appraisal commissioned by the landowner.*

**Making an Offer to Purchase.** The Department makes an "offer to option" when the appraisal(s) have been reviewed and approved by the Department's appraisal review staff. If the owner accepts the offer, he or she grants an option to the Department to purchase the land. This option gives the Department the right to purchase the land within a certain period of time at a certain price. It takes approximately 90 days for the option to be approved and accepted by the Department. The landowner is notified by certified mail that the Department is accepting the option. A closing usually occurs within 120 days of the Department's acceptance of the option.





**Transfer of Ownership.** Transferring ownership, commonly referred to as the 'closing,' is the last step in the acquisition process. Typically, most of the details have been worked out by this time, including legal counsel review, review of option, and review of the legal description of the property.

The Department of Natural Resources, unlike typical buyers, pays some of the closing costs. These include the purchase of title insurance, recording fees, transfer taxes, and similar expenses. The Department does not pay legal fees or costs associated with clearing up the title of the property.

**Contacts to Learn More about Selling or Gifting your Land to the Department**

If you are interested in selling or gifting your land, please contact a Department of Natural Resources office near you. Regional headquarters, along with the phone numbers, are listed at the end of this brochure. To learn more about gifts of land contact the Bureau of Facilities and Lands at (608) 266-0823, and request a copy of the brochure titled *Gifting your Land: Protecting Wisconsin's Landscape* (Publication number LF-031 2003).

If you sell or gift your land to the Department of Natural Resources it will be part of a legacy of natural resource conservation for many generations to come.

**Northeast Region** - Real Estate Expert  
1125 N. Military Ave., Box 10448  
Green Bay, WI 54307  
920-492-5838

**South Central Region** - Real Estate Coordinator  
3911 Fish Hatchery Rd.  
Fitchburg, WI 53711  
608-275-3314

**Southeast Region** - Real Estate Specialist  
2300 Dr. Martin Luther King Dr.  
Milwaukee, WI 53212  
414-263-8616

**West Central Region** - Real Estate Specialist  
1300 W. Clairemont Ave.  
Eau Claire, WI 54702  
715-839-3781

**Northern Region** - Land Services Team Leader  
107 Sutliff Ave.  
Rhineland, WI 54501  
715-365-8925

